

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5115 OF 2015

1. Narayan Hariram Joshi,  
Age 42 years, Occu. Business

2. Lalita Narayan Joshi,  
Age 35 years, Occu. Business

Both r/o Plot No.33, Bhoite Nagar,  
Jalgaon

..Applicants

Versus

. The State of Maharashtra

..Respondent

Mr Joydeep Chatterji, Advocate for applicants  
Mr G.O. Wattamwar, A.P.P. for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 13<sup>th</sup> October 2015**

**PER COURT**

Heard.

2. This is an application for grant of pre-arrest bail.

3. The applicants are husband and wife who are blessed with a minor daughter namely Nikita, aged about 17 years, studying at Indore.

4. Applicants are booked pursuant to the complaint lodged by one Vishal Bhimrao Bhalerao for offences punishable under Section 7 (1) (d) of the Protection of Civil Rights Act, 1955 and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and under Section 506 of the Indian Penal Code in

Crime No.3072/2015 on 26<sup>th</sup> August 2015, pursuant to an incident of 21<sup>st</sup> July 2015.

5. The applicants are seeking pre-arrest bail on the ground of false implication which prayer is opposed by learned A.P.P. who is assisted by complainant through his Advocate Mr Vinod Patil. Learned A.P.P., while opposing the application for grant of pre-arrest bail has invited attention of this Court to the statements of the eye witnesses to the incident so as to canvass that there is prima facie involvement of the applicants in the commission of crime in question.

6. While analysing the contents of the application for grant of pre-arrest bail and the investigation papers, it is noted that on 6<sup>th</sup> February 2015, the applicant No.2 Lalita Joshi filed a complaint against the complainant Vishal alleging that he has tried to outrage modesty of her daughter which has resulted in registration of Crime No.21/2015 for offence punishable under Sections 354 (A) and 506 of the Indian Penal Code in which matter the parties i.e. complainant and the applicants have settled the matter and submitted same to the investigating authority.

7. Subsequent thereto it appears that Crime No.710 of 2015 for the offence punishable under Section 363 came to be registered against the complainant Vishal on 20<sup>th</sup> July 2015, as the complainant had tried to remove minor daughter of the applicants Nikita from their custody.

8. In the above referred background, the accusations against the present applicants are required to be analysed. It will not be out of place to mention that in the incident dated 21<sup>st</sup> July 2015, complaint came to be lodged by Vishal on 26<sup>th</sup> July 2015 and there is explanation whatsoever for such delayed first information report. If the contents of the first information report are considered in the light of past conduct of the complainant Vishal, as is narrated herein above, in my opinion, the implication of the applicants in the false crime cannot be ruled out.

9. In view thereof, prima facie case is made out for grant of pre-arrest bail. Hence, I proceed to pass the following order.

(I) In the event of their arrest, the applicants Narayan Hariram Joshi and Lalita Narayan Joshi be released in connection with Crime No.3072 of 2015 for offence punishable under Section 7 (1) (d) of the Protection of Civil Rights Act, 1955 and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and under Section 506 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) each with one surety in the like amount by each of them.

(II) The applicant No.1 - Narayan shall keep himself away from the jurisdiction of Jalgaon City Police Station, Jalgaon till the date of filing of charge-sheet, but for attending the Investigating Officer.

(III) Both the applicants shall attend the City Police Station, Jalgaon initially for three days between 10.00 am and 11.00 am and thereafter as and when called by the Investigating Officer and they shall leave their residential address along with contact numbers to the Investigating Officer.

10. Criminal Application stands allowed in above terms.

**( N.W. SAMBRE, J.)**

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